

C O P Y

K. Berry Peterson
Attorney General

ATTORNEY GENERAL
State Capitol
Phoenix, Arizona

March 4, 1929

47-V-74

Mr. R. J. Hight
State Veterinarian,
Capitol Building,
Phoenix, Arizona.

Dear Sir:

Mr. H.
I have your letter of the second instant, requesting an opinion as to whether or not you have the authority to enforce quarantine regulations against the shipment into Arizona of baby chicks from the quarantine department in California.

Congress, by an act of February seventh, 1928 placed the regulation of shipment or transportation of live poultry in the hands of the Secretary of Agriculture.

Under the Interstate Commerce clause of the Federal Constitution, the Federal Government having assumed jurisdiction in this field, its jurisdiction is exclusive, and the states may not regulate interstate commerce shipments, except by agreement with the Secretary of Agriculture.

Quarantine regulations of interstate shipments of baby chicks under the laws of the States of Oregon and Washington were held invalid in the case of *Must Hatch Incubator Company v. Patterson*, 27 Fed. Rep. 447.

Very truly yours,

(Signed) K. Berry Peterson
Attorney General,

(Signed) Charles L. Strouss,
By Assistant.

CLS:a